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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,425	12/03/2001	Paul Anthony Powell	RPS920010064US1	3050
45503	7590	05/18/2005	EXAMINER	
DILLON & YUDELL LLP 8911 N. CAPITAL OF TEXAS HWY., SUITE 2110 AUSTIN, TX 78759			CHEN, TSE W	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,425

Applicant(s)

POWELL, PAUL ANTHONY

Examiner

Tse Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment dated March 15, 2005.
2. Claims 1-2 and 4-25 are presented for examination. Applicant has canceled claim 3.

Claim Objections

3. Claims 4, 9, 10, 17, 18 and 25 are objected to because of the following informalities:
 - As per claim 4, the referenced "Claim 3" has been canceled. Examiner will assume the referenced claim to be 1.
 - As per claim 9, "first symlink file" should be "ROM symlink file".
 - As per claim 10, "a computer readable medium" and "a readable medium" appear to be the same entity; and "detecting a type of said hardware component... via a read only medium" should be "detecting a type of said hardware component... via the read only medium".
 - As per claim 17, "computer readable medium" should be "readable only medium"; and "first symlink file" should be "ROM symlink file".
 - As per claim 18, "detecting a type of said hardware component... via a read only medium" should be "detecting a type of said hardware component... via the read only medium"; and "to sup ort" should be "to support".
 - As per claim 25, "computer readable medium" should be "readable only medium"; and "first symlink file" should be "ROM symlink file".

Appropriate correction is required.

Claim Rejections - 35 USC § 101

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4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-2, 4-16 and 18-24 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are not limited to tangible embodiments. In view of Applicant's disclosure, specification pg.19, ll.9-17, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments [e.g., floppy disks, hard disk drives, CDROMs] and intangible embodiments [e.g., digital and analog transmission links]. As such, the claims are not limited to statutory subject matter and is therefore non-statutory. Applicant may use claims 17 and 25 as guidelines to amend the claims [e.g., explicitly define the readable only medium as CDROMs].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 5, 7, 9-11, 13, 15, 17-19, 21,23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jollands, US Patent 6292941, in view of Sakarda, US Patent 6189050 and Applicant's Admitted Prior Art, hereinafter AAPA, in view of Nemeth et al., UNIX System Administration Handbook, hereinafter Nemeth.

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8. In re claim 1, Jollands discloses a system [fig. 1] for enabling selection of appropriate, available resources for a hardware component [customized configurations] of a data processing system [computer] [col. 1, ll.4-21; col. 1, l.63 – col.2, l.20], said system comprising:

- Means for detecting a type [configuration associated with model] of said hardware component during system boot via a read only medium [cdrom] [col. 1, ll.4-21; col. 1, l.63 – col.2, l.20].
- Means for dynamically creating a RAM symlink file [building a model] on a RAM [inherently, some RAM akin to memory 44 in the broadest interpretation is needed for the model to be built] of said data processing system, wherein said RAM symlink file includes functionality [tasks] for responding to a receipt of an activation trigger [invoke tasks or autoinstall scripts] by pointing to a selected resource file on said read only medium that enables correct operation of said type of said hardware component [customized configuration by activating or removing various files from cdrom] [col.2, ll.1-59; col.4, ll.14-29; col.5, l.66 – col.6, l.27].
- Means for dynamically selecting the resource file on the ROM from among multiple available resources located on said ROM and setting an object [e.g., target address] of the RAM symlink file to the selected resource file [col.1, ll.9-21, col.2, ll.1-59; cdrom's standard configuration contains files that are to be activated or removed based on configuration].
- Means for triggering the activation of said RAM symlink file [col.5, l.66 – col.6, l.27; execute autoinstall scripts].

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- Means, responsive to receipt of the activation, for selecting, via said RAM symlink file, the object of the RAM symlink file which object is the selected resource [e.g., files, target addresses, etc.] [col.1, ll.9-21, col.2, ll.1-59; cdrom's standard configuration contains files that are to be activated or removed based on configuration].

9. Jollands did not disclose explicitly linking said selected resource to support said hardware component during operation and triggering the activation of said RAM symlink file using a ROM symlink file on said read only medium, wherein the ROM symlink file is pre-programmed with the address of the RAM symlink file as its object and said ROM symlink file is executed during said system boot via the ROM to trigger /activate its object file, which is the RAM symlink file.

10. Sakarda discloses a system for enabling selection of appropriate, available resources [device drivers] for a hardware component [e.g., cdrom drive] of a data processing system [computer system 100] [col.2, ll.38-65], said system comprising:

- Means for detecting a type of said hardware component [device] during system boot of the data processing system [col.5, ll.49-61; booting commences from power up until system is ready for use].
- Means for dynamically creating a RAM symlink file [symbolic link] on a RAM [501] of said data processing system, wherein said RAM symlink file includes functionality for responding to a receipt of an activation trigger [signal fdo in file system] by pointing to a selected resource file [device driver] that enables correct operation of said type of said hardware component [col.5, l.62 – col.6, l.34].

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- Means for dynamically selecting the resource file from among the multiple available resources and setting an object [fdo] of the RAM symlink file to the selected resource file [col.5, l.62 – col.6, l.34; establish symbolic links from device drivers to file system with fdos].
- Means for triggering the activation of said RAM symlink file [col.5, l.62 – col.6, l.34; signal establishment of symbolic link].
- Means for linking said selected resource to support said hardware component during operation within said data processing system [col.5, l.62 – col.6, l.34; load device drivers and set symbolic links].

11. It would have been obvious to one of ordinary skill in the art, having the teachings of Jollands and Sakarda before him at the time the invention was made, to modify the system taught by Jollands to include the teachings of Sakarda, in order to obtain the system comprising means for linking said selected resource to support said hardware component during operation within said data processing system. One of ordinary skill in the art would have been motivated to make such a combination as it provides an efficient and dynamic way to add new required devices for different operations [Sakarda: col.2, ll.38-54].

12. AAPA discloses a system for enabling selection of appropriate, available resources for a hardware component of a data processing system, said system comprising means for triggering the activation of a RAM file [/usr/x11r6/bin/xf86_s3] using a ROM symlink file [/etc/x11/x] on a read only medium [linux based boot cd], wherein the ROM symlink file is pre-programmed with the address of the RAM file as its object and said ROM symlink file is executed during a system

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boot via the ROM to trigger/activate its object file, which is the RAM file [pg.3, l.14 – pg.4, l.20].

13. AAPA did not disclose explicitly that a first symlink file [ROM] refers to a second symlink file [RAM].

14. Nemeth discloses a system comprising means for triggering the activation of a first symlink file [linkee] using a second symlink file [linker], wherein the second symlink file is pre-programmed with the address [path] of the first symlink file as its object [pp.61-62, symbolic links; several links may form a loop].

15. It would have been obvious to one of ordinary skill in the art, having the teachings of Jollands, AAPA and Nemeth before him at the time the invention was made, to modify the system taught by Jollands to include the teachings of AAPA and Nemeth, in order to obtain the system comprising means for triggering the activation of said RAM symlink file using a ROM symlink file on said read only medium, wherein the ROM symlink file is pre-programmed with the address of the RAM symlink file as its object and said ROM symlink file is executed during said system boot via the ROM to trigger /activate its object file, which is the RAM symlink file. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to refer to files on other filesystems [Nemeth: pg.61; rom refer to file on ram].

16. As to claim 2, Jollands discloses the system comprising means for first initiating a boot process from said read only medium [cdrom] on said data processing system [col.1, ll.9-21].

17. As to claim 5, Jollands, AAPA, Nemeth and Sakarda disclose each and every limitation of the claim as discussed above in reference to claim 1. Jollands and Sakarda did not disclose explicitly that the resource is an XServer.

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18. The Examiner has taken Official Notice that it is well known in the art to use XServer as a resource for video drivers.

19. It would have been obvious to one of ordinary skill in the art, having the teachings of Jollands and Sakarda before him at the time the invention was made, to include the well known XServer for the resource of Jollands and Sakarda. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to run the interface [46] to a display [48] [Jollands: col.4, ll.14-29].

20. As to claim 7, Jollands discloses the system wherein said resource is a configuration file, and said selecting means selects a particular configuration file from among a plurality of configuration files located on said read only medium, wherein a selected configuration file is a preferred configuration file for said type of said hardware component [col.1, ll.9-21; col.2, ll.1-59; customized configurations denote a plurality of configuration files of which a preferred is selected based on model; developers deliver multiple configurations files on cdrom based on preliminary tests to get right look and feel to save on-site configuration work].

21. As to claim 9, Jollands, AAPA, Nemeth and Sakarda disclose each and every limitation as discussed above in reference to claim 1.

22. In re claim 10, Jollands discloses a computer program product [abstract] comprising:

- A computer readable medium [cdrom].
- Program code on said computer readable medium for enabling selection of appropriate, available resources for a hardware component of a data processing system [computer] during system boot via a read only medium [col.1, ll.9-21; customize installation], said program code comprising code for:

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- Detecting a type [configuration associated with model] of said hardware component during system boot via a read only medium [cdrom] [col.1, ll.4-21; col.1, l.63 – col.2, l.20].
- Dynamically creating a RAM symlink file [building a model] on a RAM [inherently, some RAM akin to memory 44 in the broadest interpretation is needed for the model to be built] of said data processing system, wherein said RAM symlink file includes functionality [tasks] for responding to a receipt of an activation trigger [invoke tasks or autoinstall scripts] by pointing to a selected resource file on said read only medium that enables correct operation of said type of said hardware component [customized configuration by activating or removing various files from cdrom] [col.2, ll.1-59; col.4, ll.14-29; col.5, l.66 – col.6, l.27].
- Dynamically selecting the resource file on the ROM from among multiple available resources located on said ROM and setting an object [e.g., target address] of the RAM symlink file to the selected resource file [col.1, ll.9-21, col.2, ll.1-59; cdrom's standard configuration contains files that are to be activated or removed based on configuration].
- Triggering the activation of said RAM symlink file [col.5, l.66 – col.6, l.27; execute autoinstall scripts].
- Responsive to the activation, selecting, via said RAM symlink file, the object of the RAM symlink file which object is the selected resource [e.g., files, target addresses, etc.] [col.1, ll.9-21, col.2, ll.1-59; cdrom's standard configuration contains files that are to be activated or removed based on configuration].

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23. Jollands did not disclose explicitly linking said selected resource to support said hardware component during operation and triggering the activation of said RAM symlink file using a ROM symlink file on said read only medium, wherein the ROM symlink file is pre-programmed with the address of the RAM symlink file as its object and said ROM symlink file is executed during said system boot via the ROM to trigger /activate its object file, which is the RAM symlink file.

24. Sakarda discloses program code [method in code] for enabling selection of appropriate, available resources [device drivers] for a hardware component [e.g., cdrom drive] of a data processing system [computer system 100] [col.2, ll.38-65], said program code comprising code for:

- Detecting a type of said hardware component [device] during system boot of the data processing system [col.5, ll.49-61; booting commences from power up until system is ready for use].
- Dynamically creating a RAM symlink file [symbolic link] on a RAM [501] of said data processing system, wherein said RAM symlink file includes functionality for responding to a receipt of an activation trigger [signal fdo in file system] by pointing to a selected resource file [device driver] that enables correct operation of said type of said hardware component [col.5, l.62 – col.6, l.34].
- Dynamically selecting the resource file from among the multiple available resources and setting an object [fdo] of the RAM symlink file to the selected resource file [col.5, l.62 – col.6, l.34; establish symbolic links from device drivers to file system with fdos].

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- Triggering the activation of said RAM symlink file [col.5, l.62 – col.6, l.34; signal establishment of symbolic link].
- Linking said selected resource to support said hardware component during operation within said data processing system [col.5, l.62 – col.6, l.34; load device drivers and set symbolic links].

25. It would have been obvious to one of ordinary skill in the art, having the teachings of Jollands and Sakarda before him at the time the invention was made, to modify the system taught by Jollands to include the teachings of Sakarda, in order to obtain the system comprising the code for linking said selected resource to support said hardware component during operation within said data processing system. One of ordinary skill in the art would have been motivated to make such a combination as it provides an efficient and dynamic way to add new required devices for different operations [Sakarda: col.2, ll.38-54].

26. AAPA discloses a system for enabling selection of appropriate, available resources for a hardware component of a data processing system, said system comprising means for triggering the activation of a RAM file [/usr/x11r6/bin/xf86_s3] using a ROM symlink file [/etc/x11/x] on a read only medium [linux based boot cd], wherein the ROM symlink file is pre-programmed with the address of the RAM file as its object and said ROM symlink file is executed during a system boot via the ROM to trigger/activate its object file, which is the RAM file [pg.3, l.14 – pg.4, l.20].

27. AAPA did not disclose explicitly that a first symlink file [ROM] refers to a second symlink file [RAM].

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28. Nemeth discloses a system for triggering the activation of a first symlink file [linkee] using a second symlink file [linker], wherein the second symlink file is pre-programmed with the address [path] of the first symlink file as its object [pp.61-62, symbolic links; several links may form a loop].

29. It would have been obvious to one of ordinary skill in the art, having the teachings of Jollands, AAPA and Nemeth before him at the time the invention was made, to modify the system taught by Jollands to include the teachings of AAPA and Nemeth, in order to obtain the code for triggering the activation of said RAM symlink file using a ROM symlink file on said read only medium, wherein the ROM symlink file is pre-programmed with the address of the RAM symlink file as its object and said ROM symlink file is executed during said system boot via the ROM to trigger /activate its object file, which is the RAM symlink file. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to refer to files on other filesystems [Nemeth: pg.61; rom refer to file on ram].

30. As to claim 11, Jollands, AAPA, Nemeth and Sarkada disclose each and every limitation as discussed above in reference to claims 2 and 10.

31. As to claim 13, Jollands, AAPA, Nemeth and Sarkada disclose each and every limitation as discussed above in reference to claims 5 and 10.

32. As to claim 15, Jollands, AAPA, Nemeth and Sarkada disclose each and every limitation as discussed above in reference to claims 7 and 10.

33. As to claim 17, Jollands, AAPA, Nemeth and Sarkada disclose each and every limitation as discussed above in reference to claims 9 and 10.

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34. In re claim 18, Jollands, AAPA, Nemeth and Sarkada disclose each and every limitation as discussed above in reference to claim 1: Jollands, AAPA, Nemeth and Sarkada taught the system; therefore, Jollands, AAPA, Nemeth and Sarkada taught method of operating the system.

35. As to claim 19, Jollands, AAPA, Nemeth and Sarkada disclose each and every limitation as discussed above in reference to claims 2 and 18.

36. As to claim 21, Jollands, AAPA, Nemeth and Sarkada disclose each and every limitation as discussed above in reference to claims 5 and 18.

37. As to claim 23, Jollands, AAPA, Nemeth and Sarkada disclose each and every limitation as discussed above in reference to claims 7 and 18.

38. As to claim 25, Jollands, AAPA, Nemeth and Sarkada disclose each and every limitation as discussed above in reference to claims 9 and 18.

Allowable Subject Matter

39. Claims 4, 6, 8, 12, 14, 16, 20, 22, and 24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

40. The following is a statement of reasons for the indication of allowable subject matter: the claims are allowable because none of the references cited, either alone or in combination discloses or renders obvious a system, computer program product, or method of claims 1, 10, and 18, respectively, wherein the selected XServer has a particular configuration file that is preferred, and the system, computer program product, or method further comprising “creating a third symlink file on the RAM, determining which particular configuration file is preferred for the selected XServer from among multiple configuration files available for selection on the read only

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medium, responsive the determination of a particular configuration file, for setting an object of the third symlink file to the particular configuration file, and activating an execution of the third symlink file, wherein the particular configuration file is selected for the XServer during operation of the particular type hardware component”.

Response to Arguments

41. All rejections of claim limitations as filed prior to Amendment dated March 15, 2005 not argued in entirety or substantively in response filed as said Amendment have been conceded by Applicant and the rejections are maintained from henceforth.

42. Applicant's arguments that “Sakarda specifically teaches away from selecting resources during a boot process... Sakarda is titled ‘METHOD... WITHOUT RESTARTING’... Sakarda clearly provides device driver support for devices that plugged into the computer system after the system [has been] booted up...” have been considered but are not persuasive. Examiner respectfully submits that Applicant is taking a too narrow interpretation of Sakarda as Sakarda did not explicitly teach against using the invention in other circumstances [e.g., during booting]. Using a simple analogy, a teaching of driving a convertible car without a top does not teach against driving the convertible car with a top [e.g., during rain].

43. Applicant's arguments that “neither references suggests linking RAM symlink file as an object of a ROM symlink file” and Official Notice have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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44. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tse Chen whose telephone number is (571) 272-3672. The examiner can normally be reached on Monday - Friday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tse Chen
May 5, 2005



REHANA PERVEEN
PRIMARY EXAMINER